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The following constitutes the
Order of the Court. Signed

August 14, 2009

Attorney for Movant,
Downey Savings and Loan Assn.
its successors and
assigns


HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

Attorney for Movant
Downey Savings and Loan Association, F.A.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re:
VINCENT ROBERT EPPSTEIN
Debtor

Case No.: 09-51935-ASW13
RS # MWP-1
CHAPTER 13

DOWNEY SAVINGS AND LOAN
ASSOCIATION, F.A., ITS
SUCCESSORS AND ASSIGNS

ORDER ON
MOTION FOR RELIEF
FROM THE AUTOMATIC
STAY AND CO-DEBTOR STAY

Movant
vs.

VINCENT ROBERT EPPSTEIN
ANN EPPSTEIN, CO-DEBTOR, AND
DEVIN DERHAM-BURK, CHAPTER
13 TRUSTEE

DATE: JULY 28, 2009
TIME: 12:45 P.M.
CTRM: 3020

The Motion of Movant, Downey Savings and Loan Association, F.A.
(hereinafter "movant") came on regularly for hearing on July 28, 2009

1 at 12:45 p.m. in the above-entitled court, the Honorable Arthur S.
2 Weissbrodt, Judge presiding. Appearances were as reflected in the
3 record.

4 Upon consideration of the moving and opposition papers and oral
5 argument presented at the hearing and good cause appearing therefore,
6 IT IS HEREBY ORDERED AS FOLLOWS:

7 1. The real property which is the subject of this order
8 is commonly known as 255 Shynoweth Avenue, San Jose, County of Santa
9 Clara, California, (hereinafter the "Subject property") and legally
10 described as:

11 Lot 3, as shown on that certain map entitled Tract No.
12 8008, which map was filed for record in the office of the
13 recorder of the County of Santa Clara, State of California
on August 20, 1987, in Book 577 of Maps at Page(s) 34 and 35.

14 2. IT IS HEREBY ORDERED that the debtor is to make the regular
15 monthly post-petition payments which come due on movant's loan for the
16 months of August 1, September 1, October 1, November 1, and December
17 1, 2009 and January 1, 2010.

18 3. In the event debtor fails to make the above referenced post-
19 petition payments when they come due, or no later than the grace
20 period for any such payment, movant may give fifteen day written
21 notice of the default to debtor and debtor's attorney. In the event
22 the default is not cured with the 15 day notice period, then the
23 automatic stay and co-debtor stay is modified pursuant to 11 U.S.C.
24 Section 362, *upon further court order, AEW* to allow Movant, its successors and assigns to record a
25 Notice of Default against the subject property.

26 4. The Hearing on this matter is further continued to December
27 15, 2009 at 2:00 p.m. to maintain a place on the court's calendar.
28 When the court's February 2010 calendar becomes available, Movant may

1 continue the hearing on the motion to a date on the court's February
2 2010 calendar. Upon continuance of the hearing of the motion to the
3 February 2010 calendar, counsel for movant shall give notice to
4 counsel for debtor of the continued hearing date.

5 **END OF ORDER**
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COURT SERVICE LIST

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|--|---------------------|
| Vincent Robert Eppstein 255 Chynoweth Avenue San Jose, California 95136 | DEBTOR |
| Ann Eppstein 255 Chynoweth Avenue San Jose, California 95136 | CO-DEBTOR |
| Stanley A. Zlotoff Law Offices of Stanley A. Zlotoff 300 S. 1st St., # 215 San Jose, California 95113 | ATTORNEY FOR DEBTOR |
| Devin Derham Burk P.O. Box 50013 San Jose, California 95150-0013 | CHAPTER 13 TRUSTEE |
| U.S. Trustee Office of The U.S. Trustee U.S Federal Building 280 S. 1st Street # 268 San Jose, California 95113-3004 | U.S. TRUSTEE |